

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CLAYTON ANDREWS

Plaintiff,

V.

**BRETHREN MUTUAL INSURANCE
COMPANY**

Defendant.

[illegible]

CIVIL ACTION NO.
No. 4:19-CV-02107-MWB

JURY TRIAL DEMANDED

**DEFENDANT’S RESPONSE IN OPPOSITION TO PLAINTIFF’S MOTION IN LIMINE
TO PRECLUDE THE REPORT AND TESTIMONY OF
FIRE EXPERT RUSSEL L. ANDRESS**

Defendant, Brethren Mutual Insurance Company, (hereinafter referred to as “Brethren Mutual”), by and through its counsel, Durkin Law Offices, P.C., responds in opposition to Plaintiff’s Motion in Limine to Preclude the Report and Testimony of Fire Expert Russel L. Andress, and avers as follows:

1. Admitted.
2. Admitted, based upon information and belief.
3. Admitted in part. It is admitted that Brethren Mutual Insurance Company issued a policy of insurance bearing number CPP 002406900 to Clayton Andrews, which was in full force and effect subject to all of its terms and conditions on December 14, 2017.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.

9. Admitted in part; denied in part. It is admitted that at trial, Brethren Mutual will call Russel L. Address as an expert witness in the area of fire origin and cause investigation. At trial, the Defendant will, in support of its contention that Mr. Address is an expert in fire investigation, elicit testimony from him regarding his qualifications and introduce into evidence his *curriculum vitae*, which reflects his extensive fire investigation experience. It is also admitted that Brethren Mutual will elicit testimony from Mr. Address regarding his investigation into the origin and cause of the fire and introduce into evidence his report, which sets forth his opinions to a reasonable degree of scientific certainty. See *curriculum vitae* of Russel L. Address, and report of Russel L. Address, attached respectively hereto and incorporated herein as Exhibit “A” and “B”.

10. Denied. This paragraph of Plaintiff’s Motion contains conclusions of law to which no response is required. By way of further response, it is specifically denied that Mr. Address’ opinions “parrot” the ideas and conclusions of Alex Profka, are not the product of reliable principles or methods, and are based entirely on unsupported speculation and conjecture, and are not facts of record.

11. Denied. This paragraph of Plaintiff’s Motion contains conclusions of law to which no response is required.

WHEREFORE, Defendant, Brethren Mutual Insurance Company, respectfully requests that this Honorable Court deny Plaintiff’s Motion in Limine.

Respectfully submitted,

DURKIN LAW OFFICES, P.C.

BY: /s/ Martin A. Durkin
Martin A. Durkin, Esquire
Attorney for Defendant